

ROBERT S. LARSEN, ESQ.
Nevada Bar No. 7785
DAVID T. GLUTH, II, ESQ.
Nevada Bar No. 10596
GORDON REES SCULLY MANSUKHANI, LLP
300 South Fourth Street, Suite 1550
Las Vegas, Nevada 89101
Telephone: (702) 577-9300
Direct: (702) 577-9316
Facsimile: (702) 255-2858
E-Mail: rlarsen@grsm.com
dgluth@grsm.com

*Attorneys for Caparola at Southern Highlands
Homeowners Association*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

U.S. BANK NATIONAL ASSOCIATION, AS)	Case No.: 2:16-cv-03009-RFB-CWH
TRUSTEE FOR THE CERTIFICATE HOLDERS)	
OF HARBORVIEW MORTGAGE LOAN GRUST)	
2005-10' MORTGAGE LOAN PASS-THROUGH)	
CERTIFICATES, SERIES 2005-10,)	JOINT STIPULATION AND
)	ORDER TO STAY CASE
Plaintiff,)	
)	
vs.)	
)	
CAPAROLA AT SOUTHERN HIGHLANDS)	
HOMEOWNERS ASSOCIATION AND SATICOY)	
BAY LLC SERIES 10777 VESTONE ST.,)	
)	
Defendants.)	

Plaintiff U.S. BANK NATIONAL ASSOCIATION, AS TRUSTEE FOR THE
CERTIFICATE HOLDERS OF HARBORVIEW MORTGAGE LOAN GRUST 2005-10'
MORTGAGE LOAN PASS-THROUGH CERTIFICATES, SERIES 2005-10 ("U.S. Bank"),
Defendant CAPAROLA AT SOUTHERN HIGHLANDS HOMEOWNERS ASSOCIATION
("Caparola"), and Defendant SATICOY BAY LLC SERIES 10777 VESTONE STREET
("Saticoy Bay"), through their respective counsel of record, hereby agree and stipulate to stay
this case as follows:

1 1. This lawsuit is one of numerous quiet title actions where the parties dispute the
2 effect of a non-judicial foreclosure sale held by an HOA pursuant to NRS 116.3116 *et seq.* for a
3 homeowner's failure to pay HOA assessments.

4 2. The discovery period is now closed.

5 3. Dispositive motions are currently due on December 15, 2017. (ECF No. 28).

6 4. In this case, U.S. Bank asserts, among other things, that NRS Chapter 116's notice
7 provisions are facially unconstitutional pursuant to *Bourne Valley Court Trust v. Wells Fargo*
8 *Bank, N.A.*, 832 F. 3d 1154 (9th Cir. 2016), cert. den., 2017 WL 1300223 (U.S. June 26, 2017)
9 (No. 16-1208) ("Bourne Valley").

10 5. On April 26, 2017, District Judge Boulware certified the following question to the
11 Nevada Supreme Court: "Whether NRS § 116.3116(1)'s incorporation of NRS § 107.090
12 requires homeowners's association to provide notices of default to banks even when a bank does
13 not request notice?" The certified question has been accepted by the Nevada Supreme Court. *See*
14 *The Bank of New York Mellon v. Star Hill Homeowners Association*, et al., Case No. 2:16-cv-
15 02561-RFB-PAL, (ECF No. 41).

16 6. District Judge Boulware granted a stay of litigation in the *Star Hill HOA* case
17 pending the final resolution of the certified question to the Nevada Supreme Court. *See The Bank*
18 *of New York Mellon v. Star Hill Homeowners Association*, et al., Case No. 2:16-cv-02561-RFB-
19 PAL, (ECF No. 45).

20 7. Because the decision on the certified question to the Nevada Supreme Court may
21 affect the parties' legal arguments and briefing in this case and to avoid unnecessary litigation
22 costs, the parties agree that a stay of this case is also appropriate, and thereby promoting the
23 most efficient use of the Court's and the parties' limited resources.

24 8. Accordingly, the parties request that all proceedings in this lawsuit be stayed
25 and all upcoming deadlines, including the dispositive motion deadline, be vacated.

26 9. The parties agree that Saticoy Bay will not sell, transfer, convey or encumber the
27 property while the case is stayed.
28

1 10. The parties agree that Saticoy Bay will keep current on all property taxes and
2 assessments, HOA dues, maintain the property, and maintain insurance on the property while
3 the case is stayed.

4 11. The parties agree that any party may file a written motion to lift stay at any
5 time, and any party may file an opposition to the motion after the written motion is filed with
6 the Court.

7 12. This stay will expire upon entry of an Order lifting the stay or after the Nevada
8 Supreme Court issues a decision on the certified question in *Star Hill Homeowners Association*.

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13. If the Court desires, the parties request that the Court set a status check for approximately 120 days from the date of entry of this Stipulation and Order.

DATED this 12th day of December, 2017. DATED this 12th day of December, 2017.

GORDON REES SCULLY
MANSUKHANI, LLP

AKERMAN LLP

/s/ David T. Gluth
Robert S. Larsen, Esq.
Nevada Bar No. 7785
David T. Gluth, Esq.
Nevada Bar No. 10596
300 South Fourth Street, Suite 1550
Las Vegas, Nevada 89101
*Attorneys for Attorneys for Caparola at
Southern Highlands Homeowners Association*

/s/ Donna M. Wittig
Melanie D. Morgan, Esq.
Nevada Bar No. 8215
Donna M. Wittig, Esq. 11015
Nevada Bar No.
1635 Village Center Circle, Suite 200
Las Vegas, NV 89134
Attorneys for Plaintiff U.S. Bank

DATED this 12th day of December, 2017.

LAW OFFICE OF MICHAEL F. BOHN

/s/ Michael F. Bohn
Michael F. Bohn, Esq.
Nevada Bar No. 1641
Adam Trippeddi, Esq.
Nevada Bar No. 12294
376 Warm Springs Rd., Ste 140
Las Vegas, NV 89119
*Attorneys for Saticoy Bay LLC Series 10777
Vestone St.*

ORDER

IT IS SO ORDERED.



RICHARD F. BOULWARE, II
United States District Judge

DATED this 13th day of December, 2017.